

## Senate Bill No. 666

### CHAPTER 739

An act to add Section 66412.8 to the Government Code, and to add Section 21080.29 to the Public Resources Code, relating to the environment.

[Approved by Governor October 8, 2003. Filed with  
Secretary of State October 9, 2003.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 666, Bowen. Environment.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would provide that a project located in Los Angeles County that is approved by a public agency before the effective date of the bill is not in violation of any requirement of CEQA or the Subdivision Map Act if certain transportation improvements are not constructed due to the project owner's or developer's relinquishment of easement rights within the coastal zone. The bill would require the relinquishment of easement rights to be in connection with the state acquiring a wetlands project that is a minimum of 400 acres in size and located within the coastal zone.

The bill would also provide that an ordinance or regulation adopted by a charter city or a general law city would not apply to that easement right if the ordinance or regulation requires construction of certain transportation improvements or would otherwise require reprocessing or resubmittal of a permit or approval.

The bill would require the Controller of the State of California to direct the trustee of a specified trust to convey title of the trust estate to the state under certain conditions. The bill would provide that this conveyance supersedes any duty or obligation imposed upon the Controller with respect to the disposition or application of the net proceeds of the trust estate.

The bill would declare that it does not violate the requirements of Section 16 of Article IV of the California Constitution, in that, due to the unique requirements of the property acquired by the state pursuant to the bill, a law of a general nature cannot be made applicable.

The bill would provide that it would not become operative unless Assembly Bill 859 is enacted and takes effect on or before January 1, 2004.

*The people of the State of California do enact as follows:*

SECTION 1. Section 66412.8 is added to the Government Code, to read:

66412.8. (a) A project located in Los Angeles County that is approved by a public agency before the effective date of the act adding this section is not in violation of any requirement of this division by reason of the failure to construct a roadway across the property transferred to the state pursuant to subdivision (c) of Section 21080.29 of the Public Resources Code and to construct a bridge over the adjacent Ballona Channel in Los Angeles County, otherwise required as a condition of approval of a vesting tentative map or a tentative map, if all of the following conditions apply:

(1) The improvements specified in subdivision (a) are not constructed, due in whole or in part, to the project owner's or developer's relinquishment of easement rights to construct the improvements.

(2) The easement rights specified in paragraph (1) are relinquished in connection with the acquisition by the State of California, acting by and through the Wildlife Conservation Board of the Department of Fish and Game, of a wetlands project that is a minimum of 400 acres in size and located in the coastal zone.

(b) Where the easement rights have been relinquished, any municipal ordinance or regulation adopted by a charter city or a general law city shall be inapplicable to the extent that the ordinance or regulation requires construction of the transportation improvements specified in subdivision (a), or would otherwise require reprocessing or resubmittal of a permit or approval, including, but not limited to, a final recorded map, a vesting tentative map, or a tentative map, as a result of the transportation improvements specified in subdivision (a) not being constructed.

SEC. 2. Section 21080.29 is added to the Public Resources Code, to read:

21080.29. (a) A project located in Los Angeles County that is approved by a public agency before the effective date of the act adding this section is not in violation of any requirement of this division by reason of the failure to construct a roadway across the property transferred to the state pursuant to subdivision (c) and to construct a bridge over the adjacent Ballona Channel in Los Angeles County,



otherwise required as a mitigation measure pursuant to this division, if all of the following conditions apply:

(1) The improvements specified in this subdivision are not constructed, due in whole or in part, to the project owner's or developer's relinquishment of easement rights to construct those improvements.

(2) The easement rights in paragraph (1) are relinquished in connection with the State of California, acting by and through the Wildlife Conservation Board of the Department of Fish and Game, acquiring a wetlands project that is a minimum of 400 acres in size and located within the coastal zone.

(b) Where those easement rights have been relinquished, any municipal ordinance or regulation adopted by a charter city or a general law city shall be inapplicable to the extent that the ordinance or regulation requires construction of the transportation improvements specified in subdivision (a), or would otherwise require reprocessing or resubmittal of a permit or approval, including, but not limited to, a final recorded map, a vesting tentative map, or a tentative map, as a result of the transportation improvements specified in subdivision (a) not being constructed.

(c) (1) If the Wildlife Conservation Board of the Department of Fish and Game acquires property within the coastal zone that is a minimum of 400 acres in size pursuant to a purchase and sale agreement with Playa Capital Company, LLC, the Controller shall direct the trustee under the Amendment to Declaration of Trust entered into on or about December 11, 1984, by First Nationwide Savings, as trustee, Summa Corporation, as trustor, and the Controller, as beneficiary, known as the HRH Inheritance Tax Security Trust, to convey title to the trust estate of the trust, including real property commonly known as Playa Vista Area C, to the State of California acting by and through the Wildlife Conservation Board of the Department of Fish and Game for conservation, restoration, or recreation purposes only, with the right to transfer the property for those uses to any other agency of the State of California.

(2) This subdivision shall constitute the enabling legislation required by the Amendment to Declaration of Trust to empower the Controller to direct the trustee to convey title to the trust estate under the HRH Inheritance Tax Security Trust to the State of California or an agency thereof.

(3) The conveyance of the trust estate to the Wildlife Conservation Board pursuant to this subdivision shall supersede any duty or obligation imposed upon the Controller under the Probate Code or the Revenue and Taxation Code with respect to the disposition or application of the net proceeds of the trust estate.



SEC. 3. This bill does not violate the requirements of Section 16 of Article 4 of the California Constitution, in that, due to the unique requirements of the property acquired by the state pursuant to this act, a law of a general nature cannot be made applicable. The Legislature acknowledges that easement rights for the construction of certain transportation improvements required as a mitigation measure and condition of approval for an adjacent development project currently burden the property to which the state will get title, and construction of those improvements is inconsistent with the state's interest in the preservation of the property.

SEC. 4. This act shall not become operative unless Assembly Bill 859 is enacted and takes effect on or before January 1, 2004.

